



1101 14th. St., NW, Suite 1020
Washington, DC 20005

February 3, 2002

Dockets Management System
U.S. Department of Transportation
Room PL 401
400 Seventh Street SW
Washington, DC 20590-0001

Re: Docket No. RSPA-2002-13658 (HM-215E); Comments on notice of proposed rulemaking

Dear Sirs:

The Industrial Packaging Alliance of North America ("IPANA") hereby offers its comments on the notice of proposed rulemaking (NPRM) published in the *Federal Register* on December 3, 2002 [67 FR 72034] under Docket No. RSPA-2002-13658 (HM-215E) and entitled "**Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions**". These comments address certain amendments proposed in the NPRM relating to the use and continuing qualification of intermediate bulk containers (IBCs).

IPANA is a non-profit organization that is an alliance of the following industrial packaging organizations: the International Fibre Drum Institute, the Plastic Drum Institute, the Rigid Intermediate Bulk Container Association, and the Steel Shipping Container Institute. IPANA was established recently with a view to promoting the critical role the industrial packaging industry plays in safely and reliably transporting a broad range of products, many of them hazardous materials, within North America and throughout the world; to foster technical research; and to efficiently and effectively represent the industry before domestic and international regulatory agencies that impact them.

IPANA has reviewed subject NPRM, and, in general, both supports the amendments proposed in the NPRM, and welcomes and supports RSPA's continuing efforts to maintain alignment between the Hazardous Materials Regulations and the relevant international transport recommendations and regulations. Harmonization of requirements governing the manufacture, testing, certification, use and continuing qualification of all types of industrial packagings is essential in order to permit IPANA's members to compete effectively in the global economy, and to facilitate and ensure safety in the international transport of hazardous materials.

The NPRM invites comments on proposed amendments to the Hazardous Materials Regulations (“HMR”, 49 CFR Parts 171-180) intended to improve harmonization between the HMR and international recommendations and regulations. Having reviewed the NPRM, and while supporting the proposed amendments in principle, IPANA has identified two amendments on which it wishes to offer the following specific comments.

IBC Special Provision IP8 (§ 172.102(c)(4), Table 3). IPANA welcomes and fully supports the adoption of the proposed new IBC Special Provision “IP8” which would be applicable to UN 2672 (“Ammonia solutions,...in water, with more than 10 percent but not more than 35 percent ammonia”) and which would allow the use of rigid plastic and composite IBCs meeting the conditions specified in that special provision for the transport of all ammonia solutions covered by the relevant Hazardous Materials Table entry. This amendment recognizes the long and successful experience gained in safely transporting such ammonia solutions in rigid plastic and composite IBCs. In addition, it will resolve the difficulties recently encountered by manufacturers and users of rigid plastic and composite IBCs for the transport of ammonia solutions which arose when compliance was required with certain amendments adopted under the Docket No. HM-215D final rule. Adoption of the proposed new Special Provision IP8 will also obviate the need for exemptions recently issued to authorize the continued transport of ammonia solutions covered by UN 2672 in qualifying rigid plastic and composite IBCs, thereby removing an unwarranted administrative burden not only from IBC manufacturers and users, but also RSPA. Consequently, IPANA requests that the new IP8 and the associated consequential amendments be adopted as proposed in the NPRM.

Routine maintenance of IBCs. IPANA notes, and fully supports the definition for “*Routine maintenance of IBCs*” proposed for incorporation into § 180.350(a), and which is fully consistent with the corresponding definition in Sub-Section 1.2.1 of the UN Recommendations. In connection with operations performed subject to this definition, however, we note that the UN Recommendations contain a marking requirement (see 4.1.2.5 of the UN Recommendations) that has not been proposed by the NPRM for incorporation into the HMR. IPANA believes that a provision corresponding to 4.1.2.5 of the UN Recommendations is appropriate for inclusion in the HMR in that it promotes and provides accountability of persons performing routine maintenance on IBCs for ensuring that such operations are performed in accordance with all applicable requirements. Accordingly, IPANA requests that a provision corresponding to 4.1.2.5 of the UN Recommendations, but appropriately worded to reflect language and terminology used elsewhere in the HMR (for example, in § 178.503(c)(1)), be included in the HMR.

As a requirement associated with the continuing qualification and maintenance of IBCs, IPANA believes that the requested provision may appropriately be added as a new § 180.352(g) to read:

§ 180.352 Requirements for retest and inspection of IBCs.

* * * * *

(g) *Requirements applicable to routine maintenance of IBCs.* Except for routine maintenance of metal, rigid plastics and composite IBCs performed by the owner of the IBCs whose country and authorized symbol is durably marked on the IBC, the person performing routine maintenance shall durably mark the IBC near the manufacturer's UN design type markings (as prescribed in § 178.703) with the following additional information:

(1) The country in which the routine maintenance was performed (in the United States, use the letters "USA"); and

(2) The name and address or symbol of the party performing the routine maintenance. Symbols, if used, must be registered with the Associate Administrator.

In conclusion, IPANA welcomes the opportunity to comment on the amendments to the HMR as proposed in subject NPRM. Please do not hesitate to contact me if you have questions or require additional information concerning the foregoing comments.

Sincerely,

John McQuaid
Executive Director, Industrail Packaging Alliance
of North America